



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CRIPPS et al. Confirmation No: 9488
Appl. No. : 10/630,655
Filed : July 31, 2003
Title : PHARMACEUTICAL FORMULATION OF FLUTICASONE
: PROPIONATE

TC/A.U. : 1616
Examiner : M Haghghatian

Docket No.: : CRIP3001C2/REF
Customer No: : 23364

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Rule 37 C.F.R. §§ 1.51(b), 1.56, 1.97 and 1.98, this Information Disclosure Statement is being submitted with the references in the above-identified patent application and as the necessary submission for the RCE submitted herewith. The above identified application has been allowed with the issue fee due on November 7, 2006. The issue fee will not be paid and instead an RCE is filed herewith to make of record additional information which may be material to the prosecution of this application and to make the record as complete as possible. No amendments have been made to the claims as it is believed that all of the claims are clearly patentable over the additional information submitted herewith.

The prosecution of copending application serial number 10/774,393, which is a continuation of the present application was reviewed. The '393 application is being examined by the Examiner in charge of the present application. The Examiner issued an obviousness type double patenting rejection in the '393 application over the present application. A terminal disclaimer will be filed in the '393 application over the present application to overcome this rejection. In addition, a provisional obviousness type double patenting rejection over copending application 10/168,672 was issued in the '393 application. The prior art cited in the '672 application, which is not being examined by the present application, has been noted.

A listing of the additional documents is submitted herewith on Form PTO-1449. The U.S. Patents are listed but copies are no longer required and therefore only the


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Reply to Notice of Allowance of: August 7, 2006

foreign and non-patented references are herewith enclosed. The two copending application are also listed.

The Examiner is requested to acknowledge consideration of the information provided in this paper in accordance with prescribed procedures and again issue a notice of allowance as it is submitted that all of the claims remaining in the application are allowable.

Respectfully submitted,

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November 7, 2006



B/O Form PTO-1449 U.S. Department of Commerce Patent and Trademark Office Information Disclosure Statement by Applicant	Atty. Docket Number	Serial Number
	CRIP3001C2/REF	10/630,655
	Applicant	
	CRIPPS et al.	
	Filing Date	Group
	July 30, 2003	1616

U.S. Patent Documents

Examiner Initial	Document Number	Date	Patentee/Applicant	Class	Subclass	Filing Date if Appropriate
	5,653,962 A	8/5/1997	Rachel Ann Akehurst, et al.			
	5,919,827 A	7/6/1999	Timothy J. Barberich, et al.			
	6,004,537 A	12/21/1999	Kelly A. Cavanaugh, et al.			

Foreign Patent Documents

Examiner Initial	Document Number	Publication Date	Country/Agency	Class	Subclass	Translation	
						Yes	No
	01/37805 A1	5/31/2001	PCT				
	0 416 951 A	3/13/1991	EP				
	98 56349 A	12/17/1998	EP				
	98 24420 A	6/11/1998	EP				
	94 13262	6/23/1994	EP				
	00 30607	6/2/2000	EP				
	99 65464 A	12/23/1999	EP				

Other Documents (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)

	Richard N. Dalby, et al., "Comparison of Output Particle Size Distributions from Pressurized Aerosols Formulated as Solutions or Suspensions", <i>Pharmaceutical Research</i> , 1988, vol. 5, no. 1, pp. 36-39
	S.S. Davis, "Physico-Chemical Studies on Aerosol Solutions for Drug Delivery I. Water-Propylene Glycol Systems", <i>International Journal of Pharmaceutics</i> , 1978, vol. 1, pp. 71-83
	S.S. Davis, et al., "Physico-Chemical Studies on Aerosol Solutions for Drug Delivery II. Water-Propylene Glycol-Ethanol Systems", <i>International Journal of Pharmaceutics</i> , 1978, vol. 1, pp. 85-93
	Peter Zanan, et al., "The optimal particle size for β -adrenergic aerosols in mild asthmatics", <i>International Journal of Pharmaceutics</i> , 1994, vol. 107, pp. 211-217
	Peter Zanan, et al., "The optimal particle size for parasympatholytic aerosols in mild asthmatics", <i>International Journal of Pharmaceutics</i> , 1995, vol. 114, pp. 111-115
	Peter Zanan, et al., "Optimal particle size for β_2 agonist and anticholinergic aerosols in patients with severe airflow obstruction", <i>Thorax</i> , 1996, vol. 51, pp. 977-980

Examiner	Date Considered
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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP 609; Draw a line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.